

where the state simply recognizes that it is simply concerned about the welfare of the people. It is true, as Delegate Scanlan says, that it is a matter of policy. It does not make the welfare state. This does not do anything of that sort, but I think for us to leave out any reference of our concern about the general welfare of our people and their right to life, liberty, and dignity is something that we ought to be ashamed of. I therefore urge the rejection of this amendment.

THE CHAIRMAN: Is there any further discussion?

Are you ready for the question?

The Clerk will ring —

Delegate Schloeder.

DELEGATE SCHLOEDER: Mr. Chairman, I would like to rise to oppose the Scanlan amendment. I rose to blow on the dice a few times last evening, but I think Mr. Scanlan is wrong here to attempt to delete this section.

I am reminded of what Edmund Burke said in a speech in the House of Commons on conciliation to the American Colonies. He said that it is not what lawyers tell me I may do, but what reason, justice, and humanity tell me I should do.

For many of us the real history of this country is the fulfillment of the promises of the Declaration of Independence, a fulfillment of the promise that all men are created equal. It is the life, liberty, and the pursuit of happiness. Pursuit of happiness means an equal chance of all people to set for themselves goals and to move positively toward the attainment of those goals. A constitution is a basic and fundamental law of the state, and goes far beyond the question of judicial pensions or whether or not a comptroller will, in fact, control.

A constitution is an instrument of government and as such it is a social as well as a legal document and should provide in part at least for a promise of enlightenment. It is not simply an article or an instrument for lawyers to argue over or judges to ponder on. After all, judicial decisions are not made in a vacuum. They are arrived at in an atmosphere where it must by necessity reflect the spirit and sense of the time. It was Chancellor Kent who said that the law as a science is only a collection of general principles founded on moral law, and in the common sense of mankind and applied to particular cases as they arise by diligent members of the bar, and at the erudition of the courts.

I suggest that the language of Delegate Mitchell's amendment is one of those principles founded on moral law, and in the common sense of mankind. For that reason we should reject the Scanlan amendment and thus make it clear that we are indeed of this time and place, and that we too would do what we can to fulfill the promise of the Declaration of Independence.

THE CHAIRMAN: Does any other delegate desire to speak in favor of the amendment?

Delegate Gleason.

DELEGATE GLEASON: Mr. Chairman, I would suggest to the delegates assembled that the remarks we have heard from the sponsors of this committee amendment are the wool and the warp that political speeches are made of. Any remarks that have any effectiveness in the ability to carry out the effect of the policy embodied in this amendment must be done on the legislative floor of the General Assembly or in the Congress of the United States. I think the delegates will recall during World War II when out on a boat in the Atlantic Ocean Franklin Roosevelt made his great speech in enunciating four freedoms. He said people should have freedom of speech and expression. That was all right. People should have freedom of worship. Government could do something about those, but then he went too far. He said, people should have freedom from want and freedom from fear. I suggest to you if you look at this amendment that is before us, when we say that the policy of the State should be that all persons shall have economic security in order that they may live in decency, dignity, and health, I suggest to you that all the economic security in the world will not assure that any person will live in dignity, decency, and most of all, live in good health. We can say about the same thing about the injunction in there for opportunity of employment.

You will recall President Kennedy when he was alive made a statement that we are always going to have injustice with us. A lot of us sympathize with our economically deprived people who are suffering injustices, but the Constitution is no place to set up powers by which government shall operate to attempt to redress those imbalances in our society. If there is any way those imbalances are redressed, they are done in the public and private sector of our economy and not in the constitution.

We should throw this one out, stand up proudly as we could so —